

WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead - Regulatory****Planning Committee: 13th May 2020**

DC20/003: Planning Permission in Principle for three houses at land at Dunclotha, Parkhall Road, Clydebank by Mr B. Donaghy.

1. REASON FOR REPORT

- 1.1** The application raises issues of local significance and is subject to objection one of which is from the Community Council. Under the terms of the approved Scheme of Delegation, it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Refuse** planning permission for the reasons set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application site is located on the west side of Parkhall Road close to the junction with Clark Street. At this point Parkhall Road sweeps round in a U-shaped bend, and the site occupies the outside of the curve. It was previously occupied by a large detached villa which was demolished some years ago. The vehicular access to the site has been blocked off by large concrete blocks.
- 3.2** The site is now overgrown and has naturalised. It contains a number of saplings, trees and shrubs, and is covered by a Tree Preservation Order (TPO). This was originally imposed in order to protect the larger mature trees around the perimeter boundaries of the site; however, the majority of the site itself is now covered in young and semi-mature trees, which have grown significantly since the original house was removed.
- 3.3** In terms of levels and topography, the site slopes down from Parkhall Road towards Dalmuir Golf Course, which borders the site to the north and west, and is screened from the site by a woodland area. To the south of the site are the back gardens of houses on Clark Street and Overtoun Drive, which are lower than the site. To the east of the site, there is a further landscaped area of grass, trees and bushes. Along the south side of Parkhall Road is a row of houses, most of which are bungalows or split-level houses. The site itself is approximately 0.27 hectares in area and is generally level adjacent to Parkhall Road before sloping down significantly to the west. There is a level difference of approximately 6 metres between the ground level of Parkhall Road and that at the western boundary with Dalmuir Golf Course.

- 3.4** The site has a substantial planning history and has been subject to previous applications for planning permission for residential developments. Initially application DC03/319 was submitted to the Council in 2003 for a residential development comprising flatted dwellings. This was refused by the Council on a number of grounds which included issues regarding design and residential amenity concerns. The applicant at this time appealed this decision to the Scottish Ministers and the Reporter dismissed the appeal, refusing planning permission. Thereafter, a similar application for a residential flatted development with reduced units was submitted to the Council in 2006 (reference: DC06/143). This was refused for similar reasons to the previous application and the applicant once again lodged an appeal to the Scottish Ministers. The outcome of the appeal was consistent with the 2003 case with the Reporter refusing planning permission once more.
- 3.5** In 2012, application DC12/235 for a separate residential development was refused by Planning Committee on the grounds of design, layout and the impact on trees. Similar to previous applications, the applicant appealed this decision to the Scottish Ministers with this subsequently dismissed by the Reporter. In 2015, a further application for planning permission (reference: DC15/027) for a different residential development was submitted and this was once again refused by Planning Committee for the same reasons as the 2012 application. This decision this time was not appealed to the Scottish Ministers.
- 3.6** This application seeks Planning Permission in Principle for three houses on the site. The limited details provided as part of this application indicate that the vehicular access is to be taken direct from Parkhall Road utilising the historic access to the site. The plans show indicatively the general layout and positioning of the three detached houses which will be located along the southern site boundary and the TPO trees present on site have been annotated. An internal access road and driveway for each property are marked on the plan. No details of the specific design, scale, layout, size or appearance of the houses have been provided at this stage. Equally, no technical assessments (including ecological or tree reports) have been included in support of this application.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service have no objections subject to various conditions regarding site access, parking and servicing arrangements.
- 4.2** West Dunbartonshire Council Greenspace have noted the proximity of the site to the golf course and the potential for buildings close to the boundary to be struck by stray golf balls. Concern has been raised about potential damage liability claims, as similar issues have occurred at other golf courses which border onto new build developments.
- 4.3** Scottish Water, SEPA and SNH have no objections to the proposed development.

5. REPRESENTATIONS

- 5.1** Three letters of representation have been received, objecting to the development including one from Parkhall, North Kilbowie and Central Community Council. A summary of the issues raised are as follows:
- Lack of information to make an informed assessment.
 - Lack of details regarding heights of houses and gradient of land as well as infill required.
 - Absence of wildlife/ecology assessments.
 - Vehicular access is too close to junction of Clark Street and Parkhall Road and will compromise safety.
 - Three residential properties within the site constitute overdevelopment.
 - Given the site is on a steep slope, the ground would need to be infilled and levelled and the positioning of the houses would compromise privacy of neighbouring residential properties.
 - Impact upon trees with many protected on site by a TPO.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1** The site is allocated for housing and Policy UR1 encourages the redevelopment and re-use of underused, vacant and/or derelict land and buildings for appropriate uses such as housing. In this regard, the principle of development on a brownfield site is supported by the adopted local plan.
- 6.2** Policy H5 and GD1 seeks to ensure that all new development is of a high quality of design and respects the character and amenity of the area, including residential amenity, whereas Policy E1 sets a specific requirement for developments to further the conservation of biodiversity through the development. The site has naturalised and the proposals will lead to the loss of a number of trees within the site; therefore the proposals are contrary to these policies given they will have a detrimental impact upon the character and amenity of the area and due to the fact that they have demonstrated no benefit in terms of biodiversity in lieu of the loss of trees.
- 6.3** Policy E4 specifically focuses on the protection and retention of trees subject to a Tree Preservation Order (TPO) and Policy E5 sets an expectation for development proposed on sites with or adjacent to, existing trees or woodlands to take account of trees at the beginning of the design process and includes a requirement for a tree survey. The proposal is contrary to Policy E4 and E5 in that the proposals will lead to the loss of trees and no such tree survey has been provided to establish or justify that the principle of housing on the site will not adversely impact the trees within and neighbouring the site.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP1) Proposed Plan

- 7.1** On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglennan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan has remained unadopted but continues to be a material consideration in the determination of planning applications.
- 7.2** Policy DS1 seeks to ensure a high design quality in all development including expectations for housing. The site is located within an established residential area and policy BC4 is applicable, which supports the principle of residential development at such locations, provided there is no adverse impact on neighbouring amenity or character of an area. The principle of development is not supported by these policies due to the impact of the proposals upon protected and unprotected trees within and surrounding the site, which will in turn, harm and adversely impact the character and amenity of the area. This is considered further in section 7 below.
- 7.3** Policy GN5 covers similar matters as the policies within the adopted plan and ultimately seeks to ensure protection and enhancement of trees and woodlands. The policy states that development that would result in the loss of trees or woodland of amenity, cultural, historical, and recreational or biodiversity value will not be permitted unless clear justification can be given and appropriate replanting can be agreed. As detailed above, a tree survey has not been provided and no information provided that would justify the loss of any of the protected and unprotected trees in and adjacent to the site. This is discussed below in Section 7.

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.4** On 19th September 2018, Planning Committee approved Local Development Plan 2: Proposed Plan for consultation. It is therefore the Council's most up to date policy position and it is a material consideration in the assessment of planning applications. The Plan is currently at Examination stage, which commenced on 20th August 2019.
- 7.5** Policy H4 requires development to protect, maintain or enhance the residential character and amenity of existing residential areas. Policy ENV1 focuses on nature conservation and requires development proposals to have regard to safeguarding features of nature conservation value including woodlands, hedgerows, lochs, ponds, watercourses, wetlands and wildlife corridors. All new development should enhance biodiversity as part of the green network.
- 7.6** Policy ENV5 states developments that involve the loss or fragmentation of woodlands and those area covered by a provisional or confirmed tree preservation order, will only be supported where any significant adverse

effects are clearly outweighed by significant social or economic benefits. It is considered the proposals are contrary to these policies and this is discussed further in Section 7 below.

Principle of Development

- 7.7** Whilst the site is an identified housing site within the Adopted Plan and is reusing previously developed land, it is considered that the proposed development of three houses on this site would have a detrimental impact upon the protected and unprotected trees both within and also potentially around the neighbouring site. The Local Plan is 10 years old and since that date the site has significantly naturalised. Due to the lack of activity on the site, it has in essence become an impromptu nature site with saplings and younger trees having now been established within the site and growing to a point where they compliment the mature TPO trees and make a positive contribution to the amenity of the area in their own right.
- 7.8** The site historically only accommodated a single house and as such the principle of three houses on this site is considered overdevelopment. It has not been evidenced that the 3 houses could be delivered (alongside other relevant requirements including parking and access) without detrimentally affecting the TPO trees or without losing a significant proportion of the remaining trees and natural habitat that has grown within the site since it was allocated within the Adopted Plan. On this basis, the principle of three houses on the site cannot be supported.

Impact upon Trees and Greenery

- 7.9** Many of the trees around the perimeter of the application site are protected by a TPO and their retention is underlined as integral to retain the established character and amenity of the area. Although not subject to TPOs, the remaining bulk of the trees within the site, as well as those immediately neighbouring the site on the golf course to the northern and western boundaries, also make an important contribution to the amenity of the area. The amenity value of all the trees within the site collectively contribute to the nature, character and amenity of the area, rather than the value of any one particular specimen. On this basis, any significant removal of trees within the site or surrounding the site will adversely affect the character and appearance of the wider area.
- 7.10** A number of younger trees and saplings, which have grown within the site, would inevitably require to be removed to accommodate the construction of three houses including the associated access, parking and the house plots. The site layout plan appears to show the mature TPO specimens along the southern side of the site (including the notable monkey-puzzle tree) as being retained, as well as, the belt of mature trees which wraps around the north and west of the site largely within the golf course land. However, due to the location of the proposed houses as shown on the indicative layouts (which are either adjacent or extremely close to the TPO trees), combined with the site constraints including the topography/levels (which limits the developable

areas), it is considered extremely likely that these trees will be directly or indirectly affected by the development, including their roots, and irrevocably damaged affecting their health and vitality.

- 7.11** In light of these concerns, the application fails to demonstrate that the trees within the site will not be adversely impacted by the proposals and this includes both the TPO and non-TPO specimens. The indicative plans indicate Tree Root Zones however without an accompanying tree survey to evidence and substantiate these markings; it is considered that this is unreliable in isolation. This requirement for a Tree Survey report is explicitly set out within a number of the applicable policies including Policy E5 of the Adopted Plan and the absence of any form of competent tree survey in this case means that the proposals would be also be contrary to this policy. These concerns are supported by the objectors and the Community Council.

Residential Amenity

- 7.12** Further to the concerns regarding the impact of the loss of the trees upon visual amenity, there are also other issues on general amenity grounds. The trees contribute significantly to the amenity of the area. It is not uncommon for there to be practical inconveniences for residents living in close proximity to relatively large mature trees. There is a reasonable concern in this case that the future occupants of the new houses could have practical issues by the close proximity of retained, mature, TPO trees, for example inadequate sun penetration or daylight; or perceived danger from falling trees. This may lead to the submission of future applications for the removal of the trees
- 7.13** There is clearly limited scope to locate three detached houses in the site given the site constraints and levels and also have sufficient distance away from the trees within the site whilst delivering all other requirements associated with the proposals including parking and garden curtilage. Regardless of this, there has been no assessment of the impact of the development on these TPO trees in this regard. There would also be significant concerns about the future and likely environment created for residents of this proposed development in terms of overshadowing, useable garden area and leaf litter.
- 7.14** By virtue of the site constraints (including the position of TPO trees within the site and the varying topography and levels throughout the site) and the nature and scale of the proposed development (3 dwellings) there is limited scope for reconfiguration of the indicative site layout as proposed to address these matters. It is considered on this basis that the principle of three houses on this site would likely lead to an unsatisfactory layout and residential environment.

Ecology and Wildlife

- 7.15** The removal of or direct impact upon the trees, hedging and shrubs within and neighbouring the site by virtue of the proposals could also have implications from an ecological perspective. There is a realistic potential that the site does

support wildlife and biodiversity given its current condition, its characteristics and the surrounding land to which it relates which includes an established woodland as part of the golf course. Despite this, no habitat assessment has been provided which evidences that ecology will not be adversely impacted upon or compromised by the introduction of housing within the site. Once again, this is considered material to establishing the principle of development in this regard.

- 7.16** Specific policies such as Policy E1 of the Adopted Plan set a requirement for developments to further enhance and improve biodiversity through developments. In terms of this application, no such measures have been proposed and this is despite the fact that the existing natural environment at present will only be detrimentally impacted upon by any future development by virtue of the loss of trees. Without any of the above information, the principle of development cannot be supported and it is not in accordance with the ecological policies of all three development plans.

8. CONCLUSION

- 8.1** The principle of three houses on the site cannot be supported and it is considered overdevelopment of the site as it could not be accommodated without the loss of a significant number of existing trees from within the site. These trees have significant amenity value and collectively contribute to the appearance and character of the wider residential area. The application fails to justify the removal of trees within the site and demonstrate how the health and vitality of retained TPO trees will be safeguarded. The lack of tangible supporting information to offset these concerns means that the principle of development cannot be supported.
- 8.2** Policies within both the Adopted and Proposed Plans set a requirement for appropriate assessments and surveys to be provided to evidence the safeguarding of the trees (in particular the TPO specimens within the site in this case) and demonstrate that the potential for species and biodiversity of the natural environment will not be adversely impacted. The absence of any such supporting information has meant that it has not been satisfactorily demonstrated that the proposals will not have a detrimental impact on these material considerations.

9. REASONS FOR REFUSAL

- 1.** The proposal is contrary to Policies H5, GD1, E4 and E5 of the West Dunbartonshire Adopted Local Plan (2010), Policies BC4 and GN5 of the West Dunbartonshire Local Development Plan 1: Proposed Plan (2016) and Policies H4 and E4 of the West Dunbartonshire Local Development Plan 2: Proposed Plan (2018) as the proposal is considered to be over development of the site that would result in the loss of existing trees which are of significant amenity value and contribute to the appearance and character of the wider residential area.

2. An appropriate Tree Survey has not been submitted in order to demonstrate that the development will not compromise or adversely impact upon both protected and unprotected trees within the site and the neighbouring site. Due to the absence of such information, the proposal is therefore contrary to the specific requirements of Policy E5 of the West Dunbartonshire Adopted Local Plan (2010).
3. The proposed three houses are likely to have a lower level of amenity due to inadequate sun penetration or daylighting by reason of site and plot orientation and proximity to existing trees which may lead to the loss of further trees in the future that make a valuable contribution to the character and amenity of the area.
4. An appropriate Habitat/Ecological Assessment has not been submitted in order to demonstrate that the proposal will not compromise and detrimentally impact upon potential biodiversity and wildlife within the site and the immediate surrounding area. Due to the absence of such information the proposed development is contrary to policy E1 of the West Dunbartonshire Local Plan (2010), policy GN5 of the West Dunbartonshire Local Development Plan 1: Proposed Plan (2016) and policy ENV1 of the West Dunbartonshire Local Development Plan 2: Proposed Plan (2018).

Peter Hessett
Strategic Lead - Regulatory
Date: 13th May 2020

Person to Contact: Pamela Clifford, Planning, Building Standards and Environmental Health Manager

Email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix: None

Background Papers:

1. Application documents and plans;
2. West Dunbartonshire Local Plan 2010;
3. West Dunbartonshire LDP - Proposed Plan;
4. West Dunbartonshire LDP - Proposed Plan 2;
5. Consultation responses;
6. Representations;
7. Application nos: DC03/319, DC06/143, DC12/235, DC15/027.

Wards affected: Ward 5 (Clydebank Central)